

REMARKS/ARGUMENTS

Claims 1-20, 22-60, 62, and 64-65 are pending in the application. Claim 63 is canceled without prejudice and claim 65 is added. A listing of claims is provided above in order to facilitate the Examiner's review of the below remarks.

The claims were rejected in the *Final* Office Action dated June 10, 2009 as allegedly anticipated by U.S. Patent Application Publication No. 2003/0008669 to Stein, et al. (hereinafter Stein).

Discussion of Rejections Under 35 U.S.C. §102

Claims 1-20, 22-60, and 62-64 were rejected under 35 U.S.C. 102(a) as allegedly anticipated by U.S. Patent Application Publication No. 2003/0008669 (Stein). Claim 63 has been canceled without prejudice, rendering the rejection of that claim moot.

In a Response filed August 10, 2009, Applicant argued that Stein does not teach, disclose, or suggest at least a location node that provides longitude and latitude of the location node in position estimate information (PEI).

In an Advisory Action dated September 1, 2009, the Examiner responded that Stein, in paragraphs 41-43, does teach or suggest this feature. Advisory Action, p. 2.

Applicant thanks the Examiner for the thorough analysis of the instant application and of Stein. Applicant believes that further analysis of Stein reveals that paragraphs 41-43 discuss features that are distinct from the those claimed in the instant application. Stein discusses that repeaters are assigned identification codes and that one or more position estimates are used for the repeaters. ¶[0041]. The identification code and the position estimate for each repeater may be stored in a table located at a position determining entity (PDE), at the terminal whose location is to be determined, a base station, and/or a base station controller. ¶[0042]. The identification codes are transmitted to the terminals. ¶[0043]. The position estimate can then be determined from the stored identification code and stored position estimate. ¶[0042].

Thus, in Stein, the identification code is transmitted to the terminal from a repeater, and the position estimate of the repeater is retrieved from a stored table. The position estimate of the repeater is not transmitted by the repeater to the terminal. When Stein, in paragraph 0042, mentions that the identification code and the position estimate are to be “provided” for the terminals, Stein states that they are provided in a stored table, not transmitted or provided by the repeater to the terminal.

Conversely, **claim 1** recites a method for calculating an estimate of a mobile station where the method includes “collecting in a mobile station, position estimate information (PEI) transmitted by a location node in one or more messages carried on at least one of a common channel or a dedicated channel, and wherein the PEI in the one or more messages includes a location node identification and longitude and latitude information of the location node.” (emphasis added). Independent **claims 42 and 62** include features that are substantially the same as those discussed above in relation to claim 1. Independent **claim 27** includes a feature of “receiving in a position determination entity, the PEI parameters which have been sent by the mobile station, the PEI parameters including information from which the location node can be located or identified and wherein the PEI parameters contain some or all of the PEI received from the location node and additional information which can be identified by the mobile station based on longitude and latitude information included in the PEI.” Independent **claim 64** includes substantially the features discussed above in relation to claim 1 and claim 27.

For at least these reasons, independent claims 1, 27, 42, 62, and 64 are patentable in view of Stein. For at least these same reasons, claims 2-20, 22-26, 28-41, and 43-60, that respectively depend from independent claims 1, 27, and 42 are patentable in view of Stein.

New Claim

Independent claim 65 has been added. No new matter has been introduced by this claim and this claim is respectfully asserted to be in condition for allowance.

Appl. No. 10/580,622
Amdt. dated September 17, 2009
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2617

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Applicant petitions the Director of the United States Patent Office to extend the time for reply to the Office Action dated June 10, 2009 for one month and authorizes the charge as set forth in §1.17(a) to Deposit Account No. 17-0026. Applicant believes that the instant response is filed within the period for response provided in the Office Action of June 10, 2009 extended by one month as provided for under 37 CFR 1.136.

If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account. In the event that additional fees are required or credit is due, authorization is hereby given to charge or credit Deposit Acct. No. 17-0026.

A timely Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Dated: September 17, 2009.

Respectfully submitted,

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